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2010 SEP -2 AM 11: 07

OFFICE OF GENERAL  
COUNSEL

August 12, 2010

Thomasenia Duncan, Esq.  
General Counsel  
Federal Election Commission  
Office of General Counsel  
999 E Street, S.E.  
Washington, D.C. 20463

MUR # 6366

Re: Complaint – Jane Norton, Josh Penry, The U.S. Chamber of Commerce.

Dear Mrs. Duncan,

Pursuant to federal statute and federal election commission regulations please accept this as complaint against Jane Norton, Josh Penry, and the U.S. Chamber of Commerce ("U.S. Chamber"). This complaint is seeking an investigation and enforcement action relating to alleged violations of Federal Election Campaign Laws. The actions of Jane Norton, Josh Penry and the U.S. Chamber violated federal election laws including provisions of the Federal Election Campaign Act, 2 U.S.C. § 431 *et seq.* and corresponding regulations. The previous individuals and entities will hereby referred to as the "Respondents." The Respondents have individually and collectively violated the prohibition on accepting uncoordinated communications paid for by individuals and/or corporations and violated federal statutes by making a direct corporate contribution to a U.S. Senate candidate. The Federal Election Commission ("FEC") has jurisdiction to investigate and enforce these regulations.

#### FACTS

1. Jane Norton ("Norton") was a candidate running for the nomination of the Republican Party for a U.S. Senate seat from Colorado.
2. Bill Miller is the Senior Vice President of the U.S. Chamber. The U.S. Chamber endorsed Norton on June 28, 2010. This endorsement was made by the U.S. Chamber's Bill Miller.
3. On June 28, 2010 Bill Miller joined Jane Norton and her campaign manager Josh Penry announcing the endorsement on a telephone conference call.
4. It is believed that Bill Miller in his role as Senior Vice President of the U.S. Chamber knew the personal political plan of Mrs. Norton.

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5. On or about July 30, 2010, the U.S. Chamber disbursed \$250,000 to an ad agency for the creation of a television advertisement. This advertisement was entitled "Rock Ribbed Conservative" and was a pro-Norton advertisement that mentions the Norton campaign.

6. Bill Miller was a Person Sharing/Exercising Control as listed on the FEC Form 9 filing.

7. The U.S. Chamber of Commerce did not list contributors on the FEC Form 9.

8. It is believed through public information and knowledgeable sources that Josh Penry and Bill Miller coordinated with Charlie and Judy Black to raise the money for the independent expenditure.

9. Judy Black a representative of the Jane Norton campaign also works for a lobbying firm that works for the U.S. Chamber of Commerce.

#### **ALLEGATIONS**

10. FEC regulations prohibit corporations from coordinating issue advocacy efforts with federal campaigns. In this case, the U.S. Chamber launched the television advertisement after meeting with Jane Norton and her staff and consulting team as well as after formally endorsing Norton. This is a per se violation of the anti-coordination provisions of the FEC rules and regulations.

11. Individuals who exercise control over a specific issue advocacy campaign must not communicate or coordinate with a campaign mentioned in an advertisement. Bill Miller was listed on the FEC Form 9 filing as a Person Sharing/Exercising Control. However, Bill Miller had earlier communicated via Twitter (a type of on-line message board) and in person his support and endorsement of Norton. Mr. Miller as a representative of the Chamber had also met

with Jane Norton and her campaign team to discuss campaign strategy. This is an impermissible communication under FEC rules and regulations.

WHEREFORE, the complainant asks that the Federal Election Commission investigate the actions of the U.S. Chamber and enforce the relevant provisions of the Federal Election Campaign Laws and FEC Regulations.

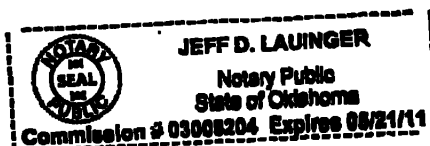
Respectfully submitted,

*Ken Mskell*  
\_\_\_\_\_  
Ken Mskell

Subscribed and sworn to before me this 25 day of August 2010. Tulsa, OK 74133

*Jeff D. Lainger*  
\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_



# FEC FORM 9

## 24 HOUR NOTICE OF DISBURSEMENT OBLIGATIONS FOR ELECTRONIC COMMUNICATIONS

### 1. Person Making the Disbursement Obligations

(a) Name U.S. Chamber of Commerce  
 (b) Address (number and street) 1615 H Street N.W.  
 (c) City, State and Zip Code Washington, DC 20062  
 (d) Name of Employer or Principal Place of Business \_\_\_\_\_  
 (e) Occupation \_\_\_\_\_

### 2. FEC Identification Number:

C3000110J

### 3. In This Statement

☒ New ☐ Renewal  
 (a) Reporting Period 08/01/00 through 08/10/00  
 (b) Amount 00000000

### 4. (a) Title of the Entity 08/01/00 (b) Contribution to Black Ribbon Conservative

### 5. The filer is (a) ☐ Individual (b) ☐ Unincorporated Organization (c) ☐ Qualified Nonprofit Corporation (11 CFR 114.10)

(d) ☒ Corporation, Labor Organization or Qualified Nonprofit Corporation making contributions under 11 CFR 114.15

(e) Other, specify: \_\_\_\_\_

### 7. If the filer is an individual, unincorporated organization or qualified nonprofit corporation, were the disbursements made exclusively from donations to a segregated bank account? Yes ☐ No ☐

### 8. Custodian of Records

(a) Name Rob Engstrom  
 (b) Address (number and street) 1615 H Street NW  
 (c) City, State and Zip Code Washington, DC 20062  
 (d) Name of Employer or Principal Place of Business \_\_\_\_\_  
 (e) Occupation U.S. Chamber of Commerce Vice President

### 9. Total Donations This Statement 0.00

### 10. Total Disbursement Obligations This Statement 250,000.00

Under penalty of perjury, I certify that this statement is true, correct and complete.

TYPE OR PRINT NAME OF PERSON COMPLETING FORM

Rob Engstrom  
Rob Engstrom DATE 7/29/00

NOTE: Submission of this statement or payment of contribution may subject the person signing this statement to the penalties of 18 U.S.C. 951.

FEC Form 9 (FEB. 1999)

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List of Persons of Strategic Importance  
(See additional pages as necessary)

Page 2 of

11. Persons of Strategic Importance

A.	(a) Name	Rob Engstrom	(b) Address (number and street)	1615 H Street NW	(c) City, State and ZIP Code	Washington, DC 20062	(d) Title or Position of Principal Place of Employment	U.S. Chamber of Commerce	(e) Organization	Vice President
B.	(a) Name	Bill Miller	(b) Address (number and street)	1615 H Street NW	(c) City, State and ZIP Code	Washington, DC 20062	(d) Title or Position of Principal Place of Employment	U.S. Chamber of Commerce	(e) Organization	Senior Vice President
C.	(a) Name		(b) Address (number and street)		(c) City, State and ZIP Code		(d) Title or Position of Principal Place of Employment		(e) Organization	
D.	(a) Name		(b) Address (number and street)		(c) City, State and ZIP Code		(d) Title or Position of Principal Place of Employment		(e) Organization	
E.	(a) Name		(b) Address (number and street)		(c) City, State and ZIP Code		(d) Title or Position of Principal Place of Employment		(e) Organization	

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**Dissemination: Mode or Collection?**

1998

**ONLINE FORMS** | **PHONE** | **VIDEO**

939

**Federal Election Commission  
ENVELOPE REPLACEMENT PAGE  
FOR INCOMING DOCUMENTS**

The FEC added this page to the end of this filing to indicate how it was received.

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<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
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<input checked="" type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked

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Endorsed Jane Norton today for CO Senate. She has a common sense approach to job creation in Colorado. [www.voteforbusiness.com](http://www.voteforbusiness.com) 2:18 PM Jun 28th via web



[USCCMiller](#)  
Bill Miller

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The Spot — Blogs — The Denver Post

JUNE 28, 2010, 3:55 PM

## U.S. Chamber backs Norton

By ALLISON SHERRY |  3 Comments

The U.S. Chamber of Commerce backed GOP Senate hopeful Jane Norton today, saying she has a record of "supporting the state's businesses and workers."

Though Norton has little business experience — much of her career has been spent in government appointments — U.S. Chamber Vice President Bill Miller said she has a "record of standing up for the people of Colorado in these challenging economic times."

The Chamber endorsement comes at a time Norton is trailing her primary opponent, Weld County District Attorney Ken Buck, in polls [1].

Buck has also been greatly helped by the Americans for Jobs Security, an outside political group that doesn't have to disclose donor lists, with television ads across the state.

Norton's campaign said Monday it has no knowledge of money help coming her direction from the endorsement. It is illegal for campaigns to coordinate with outside political groups, like so-called 527s.

In a summertime call to reporters, Norton said she had experience bringing economic development to Colorado leading the Colorado Space Coalition. And she takes credit for locating to Denver the Lockheed Martin/Boeing partnership of the United Launch Alliance.

"I have a record of working with business development," she said to reporters.

Buck's campaign denied the endorsement, saying it was just one more example of her winning over the hearts of the GOP establishment.

"I guess if all it took was a blue chip establishment endorsement that have been part of her campaign since day one, Jane Norton would be running ahead in the polls instead of behind," said Walt Klein, Buck's campaign manager.

### More from The Spot

- [GOP Senate candidate Jane Norton to Ken Buck: I admire tea partiers](#) [2]
- [GOP Senate candidate Ken Buck knew Elena Kagan at Princeton](#) [3]
- [Colorado Senate Candidate Jane Norton hits Ken Buck for lack of backbone](#) [4]
- [GOP Senate candidate Jane Norton runs negative radio ads on her primary opponent Weld County District Attorney Ken Buck](#) [5]
- [Colorado GOP Senate candidates Jane Norton and Ken Buck both spending big](#) [6]

### The Spot Recommends

- [Election 2010: The Republican Senate race](#) (eLetters)
- [Returning the production of rare earth metals to the U.S.](#) (eLetters)
- [U.S. Chamber's support of Nacchio not a surprise](#) (Cover the Spread)

The New York Times

## The Caucus

The Politics and Government Blog of The Times

JUNE 28, 2010, 6:58 PM

### Chamber Backs Norton in Colorado

By BERNIE BECKER

The United States Chamber of Commerce is backing Jane Norton for Senate in Colorado, an establishment endorsement for a Republican candidate trying to fend off an opponent that seems to have more conservative grassroots appeal.

In a statement released today, Bill Miller, the Chamber's political director, said Ms. Norton "has a record of standing up for the people of Colorado in these challenging economic times."

"On issues ranging from competition in the health care industry, to lowering taxes, to reducing energy costs, Colorado's businesses and workers will have a tireless advocate in Jane Norton," Mr. Miller added.

The Chamber endorsement comes just days after Senator John Cornyn, the chairman of the National Republican Senatorial Committee, attended a fundraiser with Ms. Norton, a former lieutenant governor. Ms. Norton faces Ken Buck in an August primary, which is shaping up to be among the more exciting nominating contests left this midterm cycle.

Mr. Buck, the Weld County district attorney, has gained a significant following among Tea Party activists and won by far the most support at a May party assembly that Ms. Norton skipped, deciding instead to gather signatures and petition her way into the primary.

Ms. Norton, meanwhile, is trying to avoid the fate of Senate candidates like Trey Grayson and Sam Lowden, Republicans with the establishment stamp of approval who were unable to capture the party's nomination. (The Chamber, for example, also backed Mr. Grayson during his primary battle in Kentucky with Rand Paul.)

Earlier this month, Ms. Norton went up with a television advertisement that sounded concerns voiced by many within the Tea Party movement, such as the size of the national debt. Her campaign has also announced that, starting Tuesday, she will embark on a four-day "Repeal Obamacare Tour."

And, as Politico just noted, Mr. Buck may still face some heat for certain views that could be seen as outside the mainstream, including calling Social Security horrible policy.

# POLITICO

## Chamber comes to Norton's aid

By David Calmes  
June 28, 2010 12:54 PM EDT

The U.S. Chamber of Commerce backed former Colorado Lt. Gov. Jane Norton's campaign for Senate Monday, giving the flagging establishment favorite a potentially valuable endorsement as she faces down a primary challenge from insurgent conservative Ken Buck.

Citing Norton's work on health care and economic development issues under Gov. Bill Owens, Chamber of Commerce president Tom Donohue called her a fierce advocate for "attacking spending and improving job creation."

Pressed by reporters on a conference call, Donohue acknowledged that the Chamber picked Norton as its preferred candidate against Democratic Sen. Michael Bennet largely due to questions of electability.

"What we're looking for is a horse — excuse me Jane — that can run in the big race. There are a lot of good people," he said. "What we're doing is saying, who has the best chance of winning?" he said.

An automated SurveyUSA poll released last week showed Norton trailing Buck, the Weld County district attorney, by double digits in the GOP nomination fight. Donohue dismissed the impact of that poll in the group's decision-making.

"There are polls all over the place. I've got polls that are showing her up and showing her down. We don't run our business on polls," he said. "This is not a vote against somebody. This is an endorsement of somebody."

He declined to say exactly how the Chamber would assist Norton ahead of the Aug. 10 primary, but said: "We think the timing's important to do this right now."

Donohue's group has already faced several setbacks this election cycle. Though the business advocate claimed the Chamber wins 80 percent of the races it gets involved in, it's seen two major Senate primary losses: in Kentucky, where the group backed Secretary of State Trey Grayson over Rand Paul, and in Utah, where it lined up behind business consultant Tim Bridgewater instead of attorney Mike Lee.

On the same call, Norton took a swipe at one of Buck's most prominent backers: South Carolina Sen. Jim DeMint, who also endorsed Paul and several other insurgent Republican primary candidates.

"DeMint lost more of his fair share," she said, reminding listeners that the senator's favored candidate in the California Senate race, Chuck DeMaze, lost badly to Carly Fiorina. "Think about California."

The Buck campaign responded to the Chamber's endorsement of Norton by noting that the group never contacted their camp, and pushing back on the suggestion that Norton was the more viable general election candidate.

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"If electability were the issue, they've just endorsed a candidate who hasn't won anything," said Buck campaign adviser Will Klein, pointing out that Norton didn't even contest the state's GOP nominating assembly against Buck. "It's not a surprising development. I think that there are a whole bunch of big names in Colorado and DC who have these squeakies on the line and who are now scrambling around to figure out what they can do to salvage their reputations."

Norton insisted the endorsement was important because it placed a national marker on the race, highlighting her experience on bread and butter issues.

"It says Jane, we recognize you're a player on health care, we recognize you're a player in economic development," she said.

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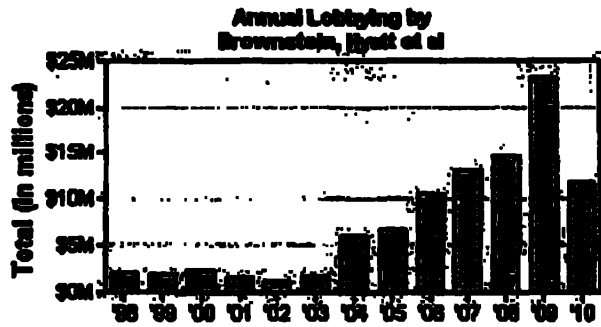
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LOBBYING

**Brownstein, Hyatt et al**



Year: 2010

Total Lobbying Income: \$11,770,000

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**Groups That Have Retained Brownstein, Hyatt et al**

Client	Total	Subsidiary (Lobbied For)	Industry
Ace Cash Express	\$180,000	-	Finance/Credit
Advanced Biofuels Assn	\$110,000	-	Misc Energy
Affinion Group	\$280,000	-	Business Services
Ala Ventures	\$50,000	-	Business Services
AlClear LLC	\$50,000	-	Securities/Invest
Alcorad Holdings	\$50,000	-	Securities/Invest
Alliance for PE Pipe	\$80,000	-	Environmental Svcs
Amarillo Economic Development Corp	\$80,000	-	Real Estate
American Gaming Assn	\$100,000	-	Casinos/Gambling
American Sahara Pool Assn	\$40,000	-	Business Services
Amryis Biotech	\$40,000	-	Pharm/Health Prod
Apollo Advisors	\$780,000	Apollo Management	Securities/Invest
Apollo Advisors	\$110,000	General Nutrition Center	Pharm/Health Prod
Apollo Investment Management	\$100,000	-	Securities/Invest
Aras Capital Corp	\$100,000	-	Securities/Invest
Aras Management	\$40,000	-	Securities/Invest
Assicurazioni Generali	\$180,000	-	Insurance
Baxter International	\$180,000	Baxter Healthcare	Pharm/Health Prod
Berkshire Hathaway	\$50,000	Johns Manville Corp	Building Materials
Berry Plastics	\$120,000	-	Chemicals
Bill Barrett Corp	\$20,000	-	TV/Movies/Music
Bion Environmental Technologies	\$240,000	-	Waste Management
Center for Empowered Living & Learning	\$40,000	-	TV/Movies/Music
Charter Communications	\$80,000	-	TV/Movies/Music
Citadel Investment Group	\$160,000	-	Securities/Invest
Claire's Stores	\$100,000	-	Retail Sales
Clin to Reform the FIRPTA of 1980	\$310,000	-	Misc Issues
Coastal Point Energy	\$80,000	-	Misc Energy
Comcast Corp	\$160,000	-	TV/Movies/Music
Comosite Technology Corp	\$100,000	-	Misc Mfg/Distrib
Connections Academy	\$80,000	-	Unknown Business
Consolidated Holdings	\$80,000	-	Lodging/Tourism

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Client	Total	Subsidiary (Lobbied For)	Industry
DeanStar Project	\$20,000	-	Oil & Gas
Denbury Resources	\$140,000	-	Oil & Gas
Discover Financial Services	\$50,000	-	Finance/Credit
EdFund	\$50,000	-	Finance/Credit
EJF Capital	\$50,000	-	Misc Finance
Electronic Payments Coalition	\$200,000	-	Commercial Banks
Energy Research Coalition	\$80,000	-	Misc Energy
FedEx Corp	\$180,000	-	Air Transport
First Wind	\$120,000	-	Misc Energy
FMR Corp	\$180,000	-	Securities/Invest
Gas Technology Institute	\$50,000	-	Oil & Gas
General Motors	\$140,000	Hughes Network Systems	Computers/Internet
General USA Life Reinsurance	\$40,000	-	Unknown Business
Germantown Financial	\$180,000	-	Insurance
Global Crossing	\$200,000	-	Telecom Svcs/Equip
Gupton Holdings Investment Management LLC	\$170,000	-	Misc Finance
Harrah's Entertainment	\$180,000	-	Casinos/Gambling
Intertek Testing Services NA, Inc.	\$120,000	-	Business Services
J2 Global Communications	\$100,000	-	Telecom Svcs/Equip
Jefferson County, CO	\$80,000	-	Civil Servants
JLL Partners	\$0	-	Securities/Invest
Johns Manville Corp	\$50,000	-	Building Materials
Johnson & Johnson	\$180,000	Johnson & Johnson Shared Svcs	Pharm/Health Prod
Lennar Corp	\$80,000	-	Home Builders
Leonard Green & Partners	\$40,000	-	Securities/Invest
MacAndrews & Forbes	\$180,000	-	Misc Mfg/Distrib
Managed Funds Assn	\$120,000	-	Securities/Invest
Masimo Corp	\$0	-	Pharm/Health Prod
Mobile Medical International Corp	\$50,000	-	Pharm/Health Prod
MoniVote	\$0	-	Unknown Business
Muller Group International	\$70,000	-	Business Services
Munich American Reinsurance Co	\$20,000	-	Unknown Business

Client	Total	Subsidiary (Lobbied For)	Industry
Music First Coalition	\$80,000	-	Misc Issues
National Cable & Telecommunications Assn	\$240,000	-	TV/Movies/Music
NCM Holdings	\$60,000	-	Misc Finance
NetScand Corp	\$100,000	-	Finance/Credit
New School University	\$120,000	-	Education
Northern Energy Resources	\$110,000	-	Electric Utilities
Noranda Aluminum	\$100,000	-	Misc Mfg/Distrib
Open Range Communications	\$150,000	-	Telecom Svcs/Equip
Piedmont Municipal Power Agency	\$140,000	-	Electric Utilities
Pikes Peak Integrated Solutions	\$100,000	-	Health Services
Private Equity Council	\$180,000	-	Securities/Invest
Procolo	\$130,000	-	Real Estate
Property Casualty Insurers Assn/America	\$120,000	-	Insurance
Qualcomm Inc	\$160,000	-	Telecom Svcs/Equip
Questor Pharmaceuticals	\$160,000	-	Pharm/Health Prod
Rentech Inc	\$330,000	-	Agricultural Svcs
ScanTech Holdings	\$100,000	-	Misc Defense
Sentrillion	\$20,000	-	Unknown Business
Simon Property Group	\$0	-	Real Estate
Simon Wiesenthal Center	\$100,000	-	Non-Profits
Skyterra Communications	\$220,000	-	Telecom Svcs/Equip
SL Green Realty Corp	\$30,000	SL Green Realty	Real Estate
St Anthony Hospital	\$150,000	-	Hospitals/Nurs Homes
Strata Production	\$70,000	-	Oil & Gas
Sun Catalytic	\$60,000	-	Misc Energy
Supreme Lending	\$100,000	Rodney Anderson Lending Services	Real Estate
Timet-Titanium Metals Corp	\$100,000	-	Misc Mfg/Distrib
Ultimate Fighting Championship	\$160,000	-	Recreation
Unisource Energy Corp	\$60,000	-	Unknown Business
United Student Aid Funds	\$40,000	-	Finance/Credit
University of Colorado	\$80,000	-	Education



Client	Total	Subsidiary (Lobbied For)	Industry
US Chamber of Commerce	\$100,000	US Chamber Institute for Legal Reform	Business Asens
US Geothermal	\$30,000	-	Misc Energy
US Home Corp	\$80,000	Lennar Corp	Home Builders
Vail Resorts	\$10,000	Vail Resorts Management	Lodging/Tourism
Vail Resorts Management	\$80,000	-	Lodging/Tourism
Vector Group	\$180,000	-	Tobacco
Vestar Capital Partners	\$20,000	-	Misc Finance
Virus Inc	\$180,000	-	Pharm/Health Prod
Water Replenishment Dist of S. California	\$60,000	-	Misc Energy
Welsh, Carson et al	\$20,000	-	Securities/Invest
West Valley Water District	\$100,000	-	Misc Energy
Western Union	\$80,000	-	Finance/Credit
Z-Medica	\$120,000	-	Pharm/Health Prod
Zoll Data Systems	\$30,000	-	Computers/Internet
Zoll Medical	\$20,000	Zoll Data Systems	Computers/Internet
Zola Technologies	\$80,000	-	Unknown Business

NOTE: All lobbying expenditures on this page come from the Senate Office of Public Records. Data for the most recent year was downloaded on July 28, 2010.

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## ABOUT JANE

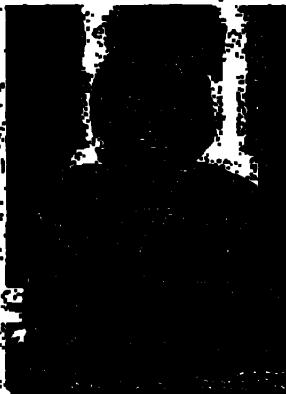


- Colorado's 46th Lieutenant Governor, sworn in January 13, 2003.
- Because of her extensive healthcare background, the Governor asked Jane to act as point person for the Owens Administration on reforming Colorado's healthcare system. This effort focused on improving health care for low-income, working families through commonsense reforms: giving individuals and families more power over their health care decisions; helping rural Colorado meet its unique health care challenges; and ensuring health insurance more affordable for Colorado's small businesses.
- Jane was named the Executive Director for the Denver Police Foundation (DPF) February 1, 2007. The DPF supports individual officers and their families in times of crisis and provides equipment, training and technology in support of Denver's police officers.
- Jane is a 1972 graduate of Grand Junction High School. In 1976 she graduated from Colorado State University with a Bachelor of Science degree with distinction in health sciences. She also has a Master of Sciences in Management degree from Regis University, Denver.
- Jane was born (October 12, 1954) and raised in Grand Junction with sister Jilly Black of Washington, DC and brother Mark Burmann. She has lived in Portland and Guelph and currently resides in Englewood. Jane is married to Mike Norton, former Lt. Governor of Colorado.

Full Name

Email Address

Zip



A third generation, lifelong Coloradan, Jane E. Norton was named the first executive director for the Denver Police Foundation (DPF) February 1, 2007. The DPF supports individual officers and their families in times of crisis and provides equipment, training and technology in support of Denver's police officers. Norton serves as President of the Board of Directors of the Colorado Emergency Preparedness Partnership, whose mission is to strengthen the region's collective capacity to prepare, respond to, and recover from natural and human-caused disasters through effective public-private collaboration. She is a 2009 graduate of the FBI Citizens' Academy. In 2007 she participated in a three-day tour sponsored by General Gabe Sigman, Commander of NORAD/NSA/CSS, touring the nation's missile defense operations in Colorado, California, Washington, and Alaska. She has participated at the West Point Center for Terrorism and National Homeland Defense Foundation.